

(2) If any employee files a cause of action for retaliatory discharge for any improper purpose, such as to harass or to cause needless increase in

The motion will be granted. In its motion, the plaintiff renounces any claim under section 50-1-304. It instead seeks relief under a common law theory of retaliatory discharge, a separate cause of action. *See Mason v. Seaton*, 942 S.W.2d 470, 475 (Tenn. 1997). At this point in the case, at least, the statutory sanctions are inapplicable.

For these reasons, it is **ORDERED** that the Motion to Dismiss is GRANTED and the Fourth Counterclaim is dismissed.

ENTER: June 17, 2013

/s/ James P. Jones
United States District Judge

costs to the employer, the court, upon motion or upon its own initiative, shall impose upon the employee an appropriate sanction, which may include an order to pay the other party or parties the amount of reasonable expenses incurred, including reasonable attorney's fees.

Tenn. Code Ann. § 50-1-304(f) (West 2011).